

Professional Service Agreements

SECTION 100.00 – GENERAL INFORMATION

SECTION 110.00 – USING PROFESSIONAL SERVICES

When time or work force constraints do not permit accomplishment by Idaho Transportation Department (ITD) staff, or special expertise is not available within the department, professional services from private industry may be contracted. Professional services are defined as engineering (i.e., material inspection, bridge inspection, construction inspection, design, environmental, archaeological, geotechnical engineering, transportation planning, public involvement, and information technology engineering), architectural, land surveying, legal, accounting, auditing, and right of way services where negotiating the price is the accepted practice of the profession.

Other services that are not listed above may be contracted by the department when the need arises and as budgeted. Solicitation and selection procedures for these other services should be similar to the following procedures used for professional services. The Consultant Administration Unit should be contacted to provide assistance and oversight.

SECTION 120.00 – WRITTEN REQUIREMENT

The Idaho Transportation Department is required to have written procedures for consultant services to be eligible for reimbursement, when federal-aid highway funds are used in the contract for professional services. These ***Professional Service Agreement Procedures*** shall apply to federally-funded and state-funded consultant agreements. Local agencies shall follow these procedures for federally-funded projects. These written procedures and any revisions must be approved by FHWA.

The following procedures provide direction in the solicitation, selection, negotiation, and administration of consultant agreements for professional services. These procedures are prepared in compliance with the Code of Federal Regulations, Idaho Code, and the department's Board and Administrative policies.

SECTION 130.00 – CONSULTANT ADMINISTRATION UNIT

The department is committed to complying with the regulations for professional services and part of this commitment is to provide assurance of compliance by monitoring transactions and procedures. The Roadway Design section (as assigned by ITD Board and Administrative policy) shall have general oversight responsibility for developing, authorizing, and managing ITD professional service agreements.

Roadway Design's Consultant Administration Unit (CAU) shall assist in the selection, negotiation, and administration of professional agreements for development of all State Highway and local projects that will receive federal-aid.

The CAU shall document the procurement process for contracting professional services and ensures that the process complies with appropriate policies and procedures.

All professional service agreements for the State Highway System or other types of capital improvements connected to a project or activity listed in the Statewide Transportation Improvement Program that are initiated by the Districts or Sections (except the Right of Way section) must be processed through the CAU.

The CAU will work with the Civil Rights Bureau and specifically with the Civil Rights/Affirmative Action Officer (CR/AAO) to ensure that consultant procurement complies with Title VI and the Code of Fair Practices. The CAU will also work with the Contract Compliance Officer in matters related to the DBE program.

The CAU shall also be a resource to other sections of the department for other types of Professional Service Agreements.

SECTION 140.00 – TYPES OF AGREEMENTS

Three types of professional service agreements are regularly used by the department and usually the type chosen depends on the complexity of the project, the amount of service, and the need for immediate services.

The types are:

- ***Individual Project Solicitation and Consultant Selection*** -- used for large, complex highway projects or where the needed service is in an area in which there is no existing Term Agreement. The selection can use either competitive or non-competitive methods. (***Non-competitive or Sole-Source Selection*** is used when specific conditions exist that allow negotiations with a single firm. (See [Section 200, Agreement Requirements--Non-competitive Negotiations](#))
- ***Term Agreements*** – used for services that can be performed by a pre-qualified consultant as the need arises. These agreements are for specific, well-defined and narrow-focused work. Accumulated work tasks associated with a term agreement shall not exceed \$750,000 in the aggregate of the term period without ITD Board approval. A task cannot exceed a maximum amount of \$250,000 per project and per consultant. (See [Section 600, Term Agreements](#))
- ***Minor Agreements*** – are used for non-routine professional agreements for services that are in an area of expertise where no Term Agreement exists. These types of agreements allow a great deal of flexibility in solicitation and shall not exceed \$25,000. (See [Section 700, Minor Agreements](#))

SECTION 150.00 – CONSULTANT SERVICES REQUEST

Whenever consultant services are desired, an [ITD-2760](#), Request for Consultant Services, should be completed and sent to the CAU prior to starting any consultant contact. (See [Section 900, Forms](#))

The following information, while not inclusive, must be included in the request for consultant.

1. The complexity of the project for determining the profit of the project (Fixed Fee).
2. Type of consultant services required (e.g. roadway design, materials, environment, etc.).
3. Description of the ultimate product.
4. Detail of what the consultant's work will include. If appropriate, list what the department has already done and will furnish.
5. Estimated construction cost for that portion of work to be done by the consultant.
6. Date the consultant's work must be completed.

The [ITD-2760](#), Request for Consultant Services, requires signatures from the Consultant Administration Engineer, the Environmental Manager, the Roadway Design Engineer, and the Assistant Chief Engineer – Development.

SECTION 160.00 – CAU RECOMMENDATION

From the information on the [ITD-2760](#), Request for Consultant Services, the CAU will:

- 1) Recommend the type of Agreement.
 - ***Individual Project Solicitation and Consultant Selection.***
 - ***Term Agreement.***
 - ***Minor Agreement Procedures.***
- 2) Coordinate the preparation and presentation of an [ITD-2210](#), Board Agenda Item, for agreements that are expected to exceed the limits set by the Board. The Board Agenda Item should contain the following information:
 - Project data.
 - Need for outside expertise.
 - Scope of work.
 - Projected cost (range).
 - Expected agreement duration.
- 3) Recommend an Agreement Administrator.
- 4) Establish a Selection Committee. The Consultant Administration Engineer shall serve as Chairman.

SECTION 170.00 – AGREEMENT ADMINISTRATOR

For each Professional Service Agreement, an Agreement Administrator will be appointed to directly administer the consultant's performance and payment.

The individual requesting consultant services from the CAU is usually named the Agreement Administrator. The Agreement Administrator should be the person who would normally supervise the work if the work was performed by state forces and should **NOT** be the person who approves payment vouchers. Normally, Bureau Chiefs, Section Supervisors, District Engineers, or Assistant District Engineers are not named the Agreement Administrator.

The Agreement Administrator decides all questions that may arise as to quality and acceptability of the work, rate of progress, definition of work to be performed, and acceptable fulfillment of the agreement.

SECTION 180.00 – ACCESS TO RECORDS

The retention of records and documents for federal participating projects is regulated by [49 CFR Part 18.42](#).

All project records are to be available for inspection and audit at reasonable times during the contract period and for an additional three (3) years from the date of final payment. If a litigation, a claim, or an audit has been announced or is underway; then the records must be maintained until the litigation, claim, or audit is completed and any findings are resolved.

Professional Service Agreements must have provisions that state these requirements.

SECTION 190.00 – AUTOMATED FILE

All Department contracts and agreements having monetary considerations must be registered in the automated agreement file. The Consultant Administration Unit (CAU) shall submit a copy of the contract or agreement to Financial Services (FS) to assign a number and enter the agreement information. This number must appear on all payments and other documentation associated with the agreement.

SECTION 195.00 – OVERVIEW FLOWCHARTS

The following information and flowcharts demonstrates the general requirements and procedures to be used with each type of agreement. The flowchart, combined with various pertinent chapters in this manual, can assist you in working with professional service agreements and meeting department requirements. If further assistance is needed, contact the Consultant Administration Unit.

OVERVIEW FLOWCHARTS

TERM AGREEMENTS (WORK TASKS)

2-Year Duration

For Less than \$250,000/Project and Task

Maximum of \$750,000 Cumulative
Per Consultant

Consultants Pre-qualified For
Specific Services

Consultant Selected From Term Agreement List

Independent Man-Day (MD) Estimate
Required (If Over \$25, 000)

Supplementals NOT Permitted

PROFESSIONAL AGREEMENTS

Individual Solicitation

Statement of Interest Evaluation

Technical Proposal Evaluation

Interview Consultants

Independent Man Day (MD) Estimate Required

Negotiate With Most Qualified

FHWA Approval Required if Full Oversight or Management-Type Agreement

Supplementals Permitted

**PROFESSIONAL AGREEMENTS
(LOCALLY-SPONSORED)**

Individual Solicitation

Statement Of Interest Evaluation

Technical Proposal Evaluation

Interview Consultants

Independent Man Day (MD) Estimate Required

Negotiate With Most Qualified

Supplementals Permitted

Sponsor can select consultant from Term Agreement if less than \$250,000

**MINOR AGREEMENTS
(SPECIAL CIRCUMSTANCES)**

Less Than \$25,000

Requires Justification

District Selects Consultant

Based On Qualifications

Independent Man Day (MD) Estimate

NOT Required

Supplementals Permitted up to a total agreement amount of \$25,000

SUPPLEMENTAL AGREEMENT

May Be Used With All Agreements, EXCEPT Term Agreements

Independent Man-Day Estimate Required (If Over \$25,000)

Additional Supplementals Permitted

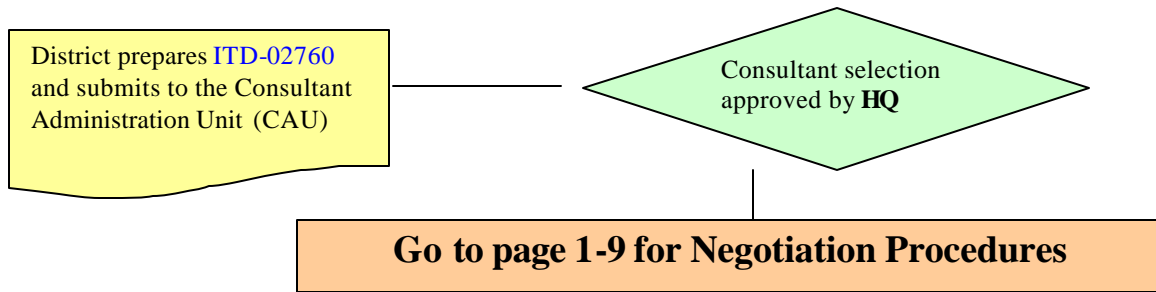
FHWA Approval Required if Full Oversight or Management-Type Agreement

Board Approval Required

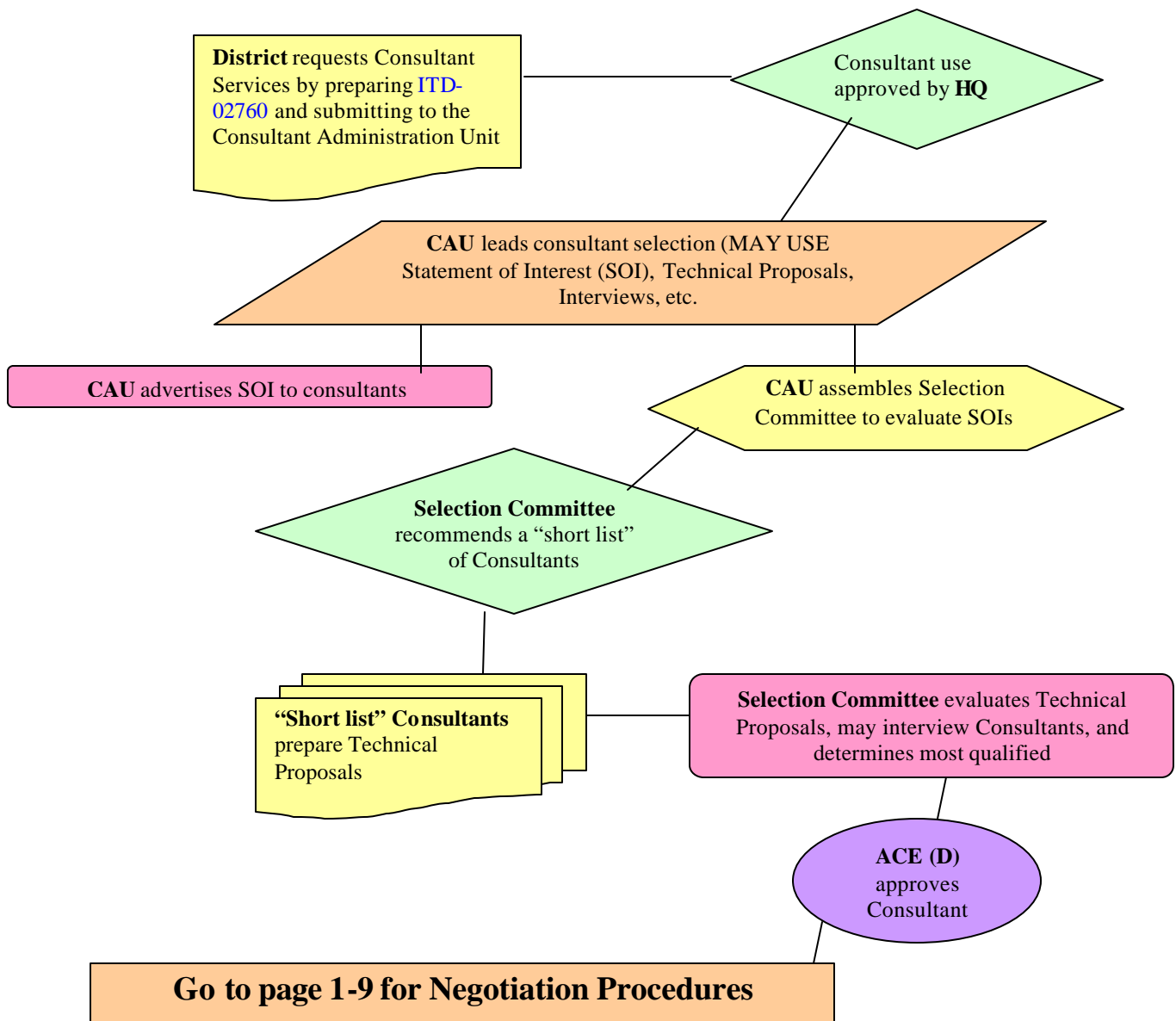
If Agreement and Supplemental Over \$1 Million (Non-Routine Agreement Over \$25,000)

NOTE: Pre-Award Audit required for all agreements if over \$200,000/\$100,000 For Locally - Sponsored Agreements

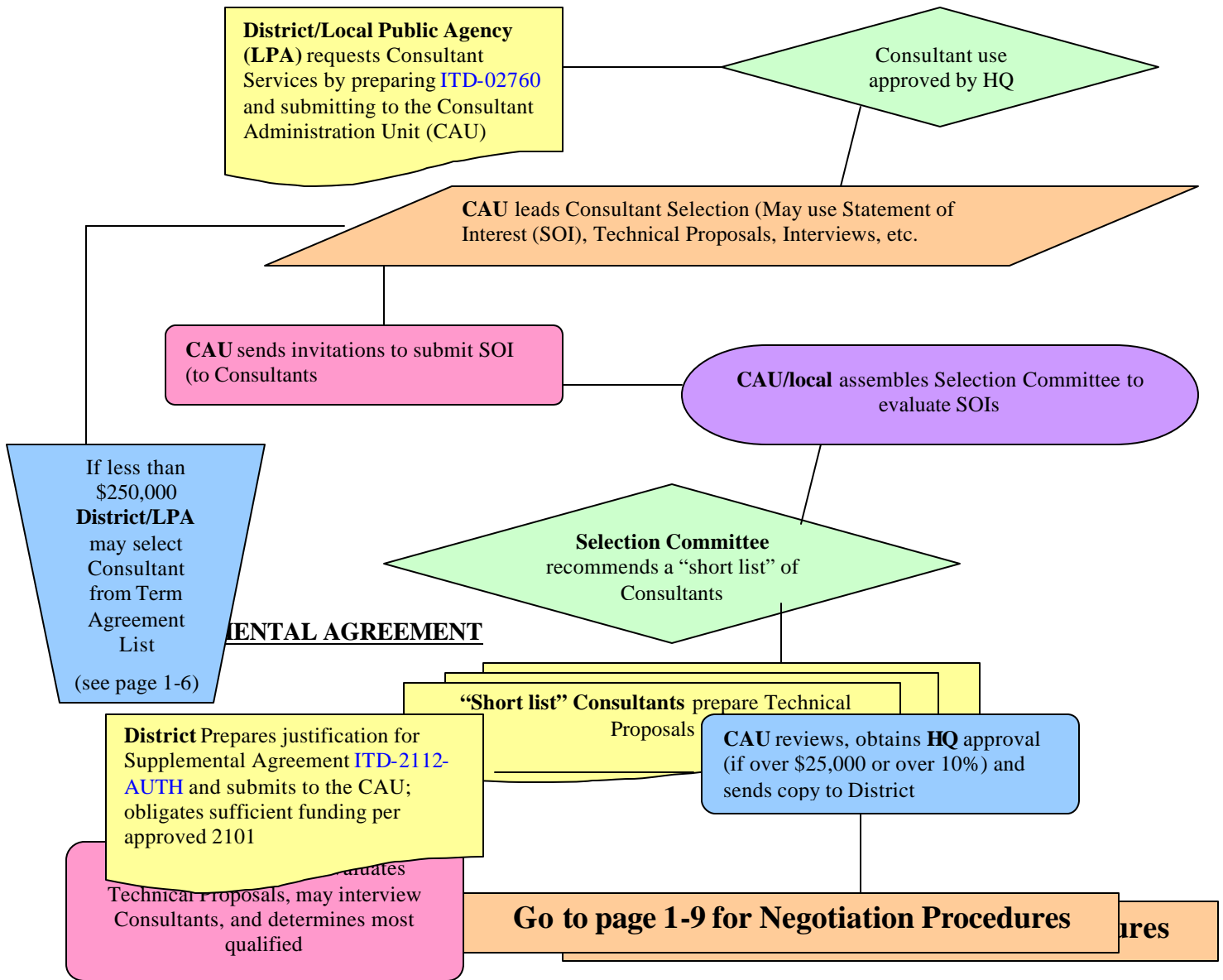
TERM AGREEMENT



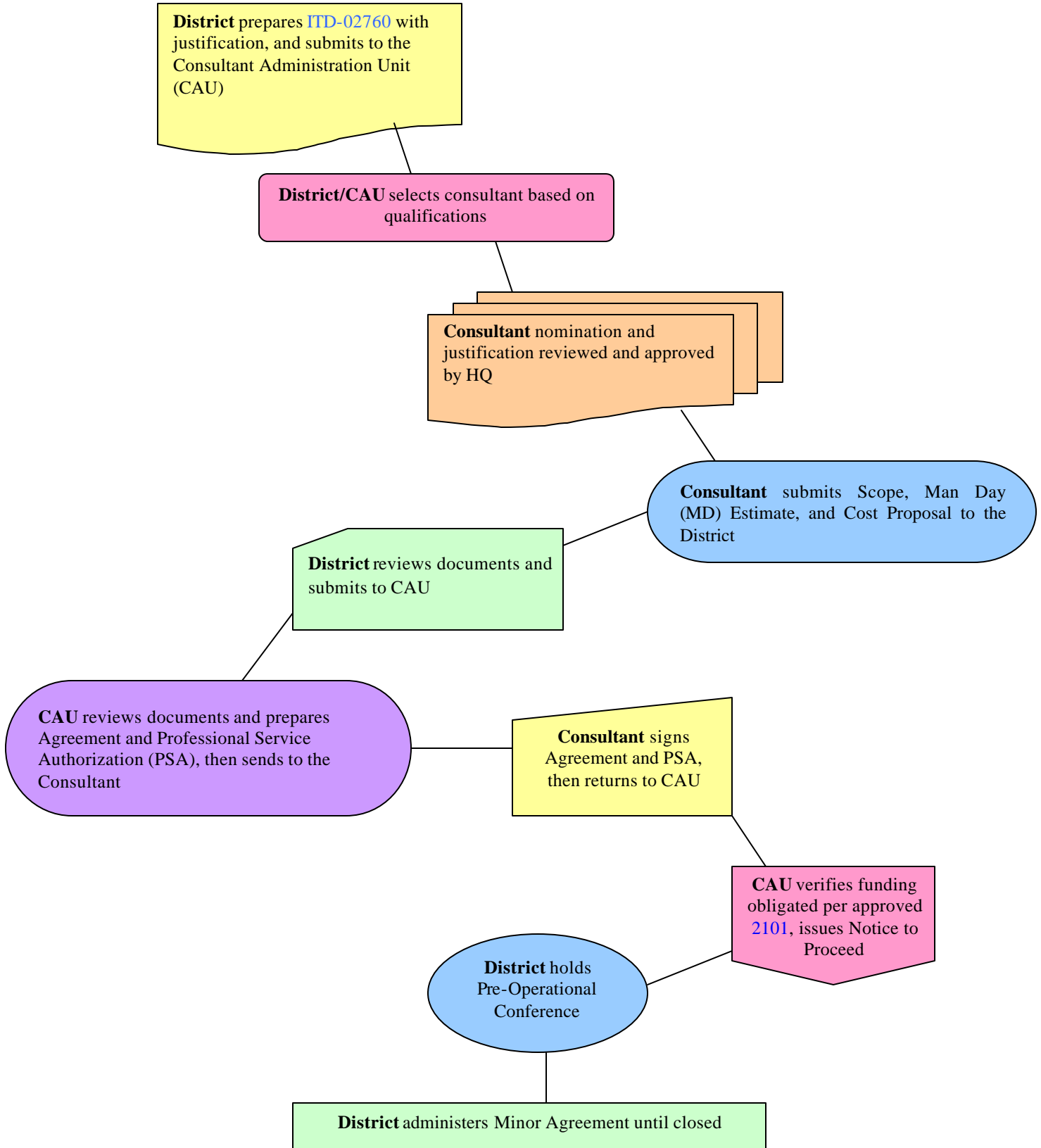
PROFESSIONAL AGREEMENTS



PROFESSIONAL AGREEMENTS (locally sponsored)



MINOR AGREEMENTS (special circumstances)



NEGOTIATION & AGREEMENT PREPARATION

